

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC MALKUCH,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

No. C07-1140MJP

ORDER REMANDING CASE TO
STATE COURT

On August 2, 2007, the Court issued an order directing Defendant to show cause why this case should not be remanded to state court under 28 U.S.C. § 1447(c) for lack of subject matter jurisdiction. (Dkt. No. 8.) Defendant has filed a response to this order (Dkt. No. 10), to which Plaintiff has filed a reply (Dkt. No. 11). Having reviewed the parties' responses and the balance of the record, the Court finds and ORDERS as follows:

(1) In its response to the show cause order, Defendant indicates that it "essentially has nothing further to add to its removal pleadings which cites verdicts and factual support for the basis of the removal." For the reasons stated in the August 2nd order to show cause, the Court is not satisfied that Defendant's removal pleadings demonstrate by a preponderance of the evidence that the amount in controversy in this matter exceeds \$75,000. Therefore, the Court finds that Defendant has not shown cause why this case should not be remanded to state court for lack of subject matter jurisdiction.

